



# COUNTY OF SAN DIEGO NEWS RELEASE

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## **COUNTY TO REGULATE CELL PHONE TOWERS** *Court Ruling Denies Challenge Filed By Cell Phone Companies*

A Superior Court judge has denied a challenge brought by Sprint and Cingular Wireless to a County ordinance that requires cellular telephone companies to obtain a discretionary permit to install cellular phone towers and other facilities along the County's roads.

This ruling makes it clear that under state law, the County may prevent companies from placing cellular phone towers in certain areas along County roads where they would be inappropriate, such as near historical sites or in areas where they would block views. Additionally, the County has the authority to require cellular telephone companies to design their facilities so that they will blend in with their surroundings and not be eyesores.

"This decision will go a long way toward protecting the unique character of unincorporated area communities," said Chairwoman Dianne Jacob who in 2001 initiated action to craft an ordinance that would minimize the visual impact of cell towers on communities.

Judge Charles Hayes found that the state law that gives companies the right to install physical telephone lines along the County's roads does not apply to cellular telephone facilities because cell phones do not use telephone lines.

The judge also determined that even if the state law applied to wireless facilities, the County retains the authority to regulate the location and appearance of such facilities.

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